

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Clarksburg

ASTRAZENECA AB and ASTRAZENECA  
PHARMACEUTICALS LP,

Plaintiffs,

v.

CIVIL ACTION NO. 1:22-CV-35  
Judge Bailey

MYLAN PHARMACEUTICALS, INC. and  
KINDEVA DRUG DELIVERY L.P.,

Defendants.

**ORDER**

Pending before this Court is Plaintiffs' Motion for Enlargement of Time to Provide Reply Expert Report and Opening *Markman* and Dispositive Briefs [Doc. 139], filed September 22, 2022. A Response [Doc. 140] by defendants was filed the same day.

This Court will **GRANT IN PART** Plaintiffs' Motion for Enlargement of Time to Provide Reply Expert Report and Opening *Markman* and Dispositive Briefs [Doc. 139]. First, this Court does not agree that plaintiffs should get an advantage by having to file both their *Markman* and dispositive briefs *after* defendants; that is why this Court will continue having the same due date for both plaintiffs and defendants. Second, this Court **will not** extend any of the below dates again. Simply put, the below scheduling order is sufficiently adequate for the parties to litigate the above-styled case.

Therefore, the current Scheduling Order [Doc. 89] is hereby **AMENDED** and the below listed dates be adopted:

4. Reply Expert Reports: **September 27, 2022**
5. Completion of Expert Discovery: **October 17, 2022**
6. **Daubert** Motions: **October 21, 2022**
7. **Daubert** Responses: **November 4, 2022**
8. **Markman** Events:
  - a. Parties exchange list of claim term(s)/phrase(s) that parties believe need construction **September 16, 2022**
  - b. Parties exchange list of proposed claim constructions of term(s)/phrase(s) on parties exchange lists **September 30, 2022**
9. Joint Claim Chart: **October 7, 2022**
10. Opening **Markman** Briefs: **October 18, 2022**
11. Response **Markman** Briefs: **November 1, 2022**
12. **Markman** Hearing: **November 15, 2022, at 10:00 a.m., via Zoom**
13. Dispositive Motions: **October 18, 2022**
14. Response to dispositive motions: **November 1, 2022**
15. Reply to dispositive motions: **November 8, 2022**
16. Biographical Sketches: **November 30, 2022**
17. Motions in Limine: **November 9, 2022**
  - a. Objections: **November 23, 2022**
18. FED.R. 26(a)(3) Disclosures: **November 9, 2022**
  - a. Objections: **November 23, 2022**

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| 19. <u>Joint Stipulation of Facts:</u>                | <u>November 30, 2022</u>                         |
| 20. <u>Pretrial Memoranda:</u>                        | <u>November 30, 2022</u>                         |
| 21. <u>Pretrial Conference/Settlement Conference:</u> | <u>December 5, 2022, at 2:00 p.m., via Zoom</u>  |
| 22. <u>Trial Date:</u>                                | <u>December 13, 2022, at 9:00 a.m., via Zoom</u> |

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** September 26, 2022.

  
JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE